



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Jurgen Markl et al. )  
 ) Attorney Docket:  
Serial No.: 09/936,852 )  
 ) GKS-101.0  
Filing Date: July 03, 2002 ) 7911/83687  
 )  
For: NUCLEIC ACID MOLECULE )  
 )  
 ) COMPRISING A NUCLEIC ACID  
 )  
 ) SEQUENCE CODING FOR A  
 )  
 ) HAEMOCYANIN  
 ) Group Art Unit:  
 ) 1653  
 )  
Examiner: Suzanne Marie Noakes )

DECLARATION

MAIL STOP AMENDMENT  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, Virginia 22313-1450

Sir:

JURGEN MARKL Declares:

1. I am Jurgen Markl, who is a named inventor of the above-identified patent application;
2. I have read the Action of the US Patent and Trademark Office mailed on January 06, 2006;
3. I have read the amended claims that accompany this Declaration;

4. In response to the assertions of that Action I note the following:

a) It is my understanding that no one has yet been able to clone any protein in a cell of *Megathura crenulata*,

b) It is my understanding that the glycosylation pattern of proteins, and particular KLH1 and KLH2, expressed naturally by *Megathura crenulata*, is unique and unusual;

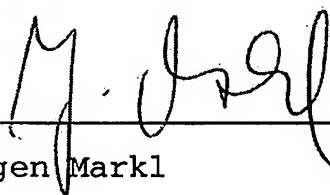
c) The unique and unusual character of the glycosylation pattern of naturally occurring KLH1 and KLH2 are discussed in the enclosed articles by Kurokawa et al.

["Hemocyanin from the keyhole limpet *Megathura crenulata* (KLH) carries a novel type of N-glycans with Gal( $\beta$ 1-6)Man-motifs" Eur.J.Biochem., 269, 5459-5473 (2002)] and Geyer et al.

["Identification and Characterization of Keyhole Limpet Hemocyanin N-Glycans Mediating Cross-reactivity with *Schistosoma mansoni*", J.of Bio. Chem., vol. 280, no. 49, pp. 40731-40748].

5. As a result of there having been no known expression of any protein in cells of *Megathura crenulata* and the unique and unusual character of the glycosylation pattern of native KLH1 and KLH2 produced by *Megathura crenulata*, a presently claimed polypeptide cannot be the same as that obtained from *Megathura crenulata* and must therefore be novel over the art of record.

6. All statements made herein of my knowledge are true and all statements made on information and belief are believed to be true; and further, these statements were made with the knowledge that willful, false statements and the like so made are punishable by fine or imprisonment or both, under Section 1001 of Title 18 of the United States Code, and that such willful, false statements may jeopardize the validity of the above-identified application or any patent issuing thereon.

  
\_\_\_\_\_  
Jurgen Markl


February 20, 2006  
Date

Enclosures:

Geyer et al. paper  
Kurokawa et al. paper

CERTIFICATE OF MAILING

I hereby certify that this Declaration and attached paper, as well as the Reply and Amendment and its stated enclosures are being deposited with the United States Postal Service with sufficient postage as First Class Mail in an envelope addressed to: MAIL STOP AMENDMENT, Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450, on March 28, 2006.

By   
\_\_\_\_\_  
Edward P. Gamson